

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabel Cifarelli	Team: Squad #11	CCRB Case #: 201909278	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/17/2019 8:00 PM	Location of Incident: [REDACTED]	Precinct: 72	18 Mo. SOL 4/17/2021	EO SOL 12/2/2021	
Date/Time CV Reported Thu, 10/17/2019 8:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/24/2019 11:05 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Read	28035	946146	073 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Francisco Espinal	26832	941274	PSA 1
2. POM Stephen Henry	02050	965746	TB DT20
3. POM Andres Villa	03890	965894	TB DT20
4. POM Sammy Zhou	11331	961478	PSA 1
5. POM Christopher Puma	18947	959096	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C. POM Christopher Read	Force: Police Officer Christopher Read used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D. POM Christopher Read	Discourtesy: Police Officer Christopher Read spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
E. An officer	Abuse: An officer refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
F. An officer	Abuse: An officer refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
G. An officer	Abuse: An officer threatened to seize § 87(2)(b) [REDACTED] s property.	[REDACTED]

Case Summary

On October 17, 2019, § 87(2)(b) filed this complaint with IAB, generating reference number 2019-38133. This complaint was received by the CCRB on October 24, 2019.

On October 17, 2019, at approximately 8:00p.m., § 87(2)(b) double parked his vehicle in front of a § 87(2)(b) at the intersection of § 87(2)(b) in Brooklyn. § 87(2)(b) exited his vehicle and observed a marked police semi-truck carrying barricades, number 9884, at the corner. An officer allegedly stated, “Move your fucking car” over the vehicle’s loudspeaker (**Allegation A: Discourtesy**, § 87(2)(g)). Five male officers then exited the vehicle and an officer allegedly pushed § 87(2)(b) (**Allegation B: Force**, § 87(2)(g)). PO Christopher Read of the 73rd Precinct allegedly approached, pushed § 87(2)(b) and stated, “Move your fucking car,” (**Allegation C: Force**, § 87(2)(g)); **Allegation D: Discourtesy**, § 87(2)(g)). § 87(2)(b) asked the officers on scene for their names and shield numbers. PO Read provided his information, and another officer allegedly stated, “You don’t need that,” (**Allegations E and F: Abuse of Authority**, § 87(2)(g)). As the officers were driving away, an officer allegedly stated over the loudspeaker that the officers could have § 87(2)(b)’s vehicle towed (**Allegation G: Abuse of Authority**, § 87(2)(g)).

No arrests were made, and no summonses were issued during the incident.

No video footage was obtained by the investigation. On October 29, 2019, a request for body-worn camera footage was sent to the NYPD. On December 2, 2019, negative results were returned.

Findings and Recommendations

Allegation (A) Discourtesy: An officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that he double parked approximately three car lengths from the corner of § 87(2)(b) and exited his vehicle to pick up food from the KFC (BR 01-03). He was standing at the entrance to the § 87(2)(b) about to enter, when he heard a police siren blare. He turned and saw a Barrier truck on the northeast corner of § 87(2)(b), facing north. § 87(2)(b) walked back toward his car, stood approximately one car length from the corner, and stated that he would only be a minute. A police officer spoke over the loudspeaker. § 87(2)(b) did not recall the precise words used, but he did recall that he had interpreted the statement as disrespectful, and the officer may have said, “Move your fucking car.” § 87(2)(b) could see into the truck but did not see if any officer was holding microphone to his mouth.

A roll call from the Barriers Section for October 17, 2019 showed that the officers assigned to place barriers in the vicinity of § 87(2)(b) were PO Read, PO Christopher Puma of the 33rd Precinct, PO Francisco Espinal and PO Sammy Zhou of PSA 1, and PO Stephen Henry and PO Andres Villa of Transit Bureau District 20 (BR 04).

PO Read, PO Villa, PO Espinal, PO Henry, PO Zhou, and PO Puma were all interviewed regarding this incident (BR 05-10). PO Read, PO Espinal, PO Henry, PO Zhou, and PO Puma all testified that the operator of the vehicle was the most likely person to use the vehicle’s loudspeaker, though others in the vehicle could access it. PO Read and PO Espinal both testified that they were trained to operate a Barrier truck but that they did not recall whether they operated the Barrier truck on October 17, 2019. None of the officers recalled anyone speaking over the vehicle’s loudspeaker on October 17, 2019.

Only PO Zhou and PO Puma recalled an issue with a double-parked vehicle blocking traffic on this date. None of the officers recalled any officer telling § 87(2)(b) to move his vehicle over the Barrier truck’s loudspeaker or in person. PO Henry, PO Villa, and PO Espinal testified that they did not tell a civilian to “move [his] fucking car,” and neither did any officer. PO

Read, PO Zhou, and PO Puma did not recall whether any officer made such a statement. No officer recalled whether any officer used any profanity on scene.

§ 87(2)(g)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Christopher Read used physical force against § 87(2)(b)

Allegation (D) Discourtesy: Police Officer Christopher Read spoke discourteously to § 87(2)(b)

Allegation (E) Abuse of Authority: An officer refused to provide his name to § 87(2)(b)

Allegation (F) Abuse of Authority: An officer refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that a Hispanic male officer, under 25 years old, with a thin build, between 5'11" and 6'0" tall, pushed him on his chest toward his vehicle. § 87(2)(b) stated, "Don't fucking touch me." § 87(2)(b) had his hands at his sides throughout the interaction. He never touched or pushed the officer. The officer pushed § 87(2)(b) approximately three or four times, all on the chest and shoulders. § 87(2)(b) may have stumbled backward one or two steps. While the officer was pushing § 87(2)(b), PO Read approached § 87(2)(b) and pushed him several times on his chest. PO Read stated, "Move your fucking car." At this point, § 87(2)(b) decided to move his car. He turned toward the street to move his car, and PO Read pushed him with two hands approximately twice on his back, toward the street. § 87(2)(b) asked PO Read for his name and shield number, which he provided.

After moving his vehicle, § 87(2)(b) returned to the § 87(2)(b) where he saw the officers placing barriers. § 87(2)(b) asked the officer that initially pushed him for his name and shield number. The officer allegedly stated, "You don't need that." PO Read stated that § 87(2)(b) did not need the officer's name since § 87(2)(b) already had PO Read's information.

Of the six officers interviewed, only PO Puma recalled any physical interaction between officers and civilians. He believed an officer guided § 87(2)(b) toward his vehicle by placing his hand on § 87(2)(b)'s shoulder. He did not recall which officer did this and did not recall what the officer looked like. PO Henry, PO Villa, and PO Espinal all testified that they did not push § 87(2)(b) and did not observe any other officer doing so. PO Read, PO Puma, and PO Zhou all testified that they did not recall pushing § 87(2)(b) or observing another officer doing so.

Of the officers interviewed, only PO Read and PO Puma recalled being asked for their names and shield numbers. Both PO Read and PO Puma testified that they provided their names and shield numbers upon request.

A CTS search for pedigree information for the officers listed on the Barriers section roll call for October 17, 2019 yielded the information that of the six officers listed, only PO Puma, PO Villa, and PO Espinal are Hispanic male officers.

PO Puma is a Hispanic male who stands at 5'9" tall, weighs 200 lb., and was § 87(2)(b) years old on the incident date, PO Villa is a Hispanic male who stands at 5'10" tall, weighs 165 lb., and was § 87(2)(b) years old on the incident date, and PO Espinal is a Hispanic male who stands at 5'8" tall, weighs 170 lb., and was § 87(2)(b) on the incident date (BR 11-13).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: An officer threatened to seize § 87(2)(b) s property.

§ 87(2)(b) testified that as the officers were driving away, he observed the officer driving the vehicle state over the loudspeaker that the officers could have § 87(2)(b) s car towed. § 87(2)(b) could not tell if the voice was the same voice that spoke earlier over the loudspeaker. The officers did not tell § 87(2)(b) why he would get a ticket or why his vehicle would be towed.

PO Read and PO Espinal both testified that they were trained to operate a Barrier truck but that they did not recall whether they operated the Barrier truck on October 17, 2019. None of the officers recalled anyone speaking over the vehicle's loudspeaker on October 17, 2019. PO Read, PO Henry, PO Villa, PO Zhou, PO Espinal, and PO Puma all testified that they did not recall any conversations with civilians about having the civilian's car towed. No officer recalled threatening to tow a civilian's vehicle, and no officer recalled whether any other officer did so.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Read has been a member of service for 13 years and has been the subject of 14 other allegations in seven other CCRB complaints with no substantiations (see officer history). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation for this case pending officer identification, but as noted above, the investigation could not identify the subject officer(s) for Allegations A-B and E-G.
- On January 22, 2021 the Office of the New York City Comptroller indicated that no Notice of Claim had been filed regarding this incident (BR 15).
- According to the Office of Court Administration, § 87(2)(b) has no criminal convictions in New York City as of March 31, 2021 (BR 16).

Squad No.: 11

Investigator: Isabel Cifarelli Inv. Isabel Cifarelli 04/06/2021
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 04/07/21
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____